

DEPARTMENT OF FOOD AND AGRICULTURE
MEAT AND POULTRY INSPECTION BRANCH - PROPOSED REGULATIONS
TRANSPORTERS OF INEDIBLE KITCHEN GREASE

The Department of Food and Agriculture, Meat and Poultry Inspection Branch, is proposing the following changes to Title 3, of the California Code of Regulations, to read as follows:

- 1) Adopt Article 49 of Subchapter 2, Chapter 4, Division 2, to read as follows:

Article 49. Transporters of Inedible Kitchen Grease

- 2) Adopt sections 1190, 1190.1, 1190.2, 1190.3 and 1190.4 under new Article 49, of Subchapter 2, Chapter 4, Division 2, to read as follows:

Section 1190. Registration and Renewal Requirements.

(a) No person shall engage in the transportation of inedible kitchen grease without receiving a registration certificate from the Department pursuant to sections 19310, 19310.5, 19310.7, and 19311 of the Food and Agricultural Code. A transporter shall not give, contract, or arrange with another person to transport interceptor waste unless that person is a registered transporter of inedible kitchen grease.

(b) Applicants for registration or renewal shall submit to the Department the information and fee required by section 19312 of the Food and Agricultural Code, and submit the applicable enforcement fees pursuant to section 19315 of the Food and Agricultural Code and sections 1180.3.1 and 1180.3.2 of Title 3 of the California Code of Regulations.

(c) Penalties for any late enforcement fees shall be assessed pursuant to sections 19227(c) and 19315(c) of the Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 19310, Food and Agricultural Code. Reference: Sections 19310.5, 19310.7, 19311, 19312, and 19315 Food and Agricultural Code.

Section 1190.1. Definitions.

(a) "Interceptor waste" means all material, including inedible kitchen grease, greasy liquid, water, and solids, removed from a grease interceptor or a grease trap.

(b) "Generator" includes, but is not limited to, any food preparation, processing, or handling establishment or facility.

(c) "Gray water" means the water portion of interceptor waste.

NOTE: Authority cited: Sections 407, 19310 and 19313.8, Food and Agricultural Code. Reference: Sections 19303, 19304, 19305, 19306, 19310.5, 19310.7, 19311, 19312, 19315 and 19316, Food and Agricultural Code.

Section 1190.2. Interceptor Waste Removal Manifest.

(a) A registered transporter of inedible kitchen grease shall create and maintain a manifest on the Meat and Poultry Inspection Branch Form 79-120 (Est. 3/05), Interceptor Waste Transporter Manifest and Receipt, for each load of interceptor waste. Each page of the manifest shall have a unique, readily visible, manifest number. A transporter shall not transport interceptor waste without a properly maintained manifest form. The manifest must accompany all collected shipments of interceptor waste from point of origin to the receiving facility.

(2) The transporter shall enter the total estimated volume or quantity of interceptor waste transported on the manifest. The total estimated volume or quantity is the cumulative amount of interceptor waste collected and retained from generators listed on the individual receipts as required by section 1190.3.

(3) Upon delivery of interceptor waste to an authorized receiving facility, the transporter must sign and date the manifest under penalty of perjury. The authorized receiving facility shall then complete the receiving facility portion of the manifest, which shall include:

(A) The name and address of the receiving facility,

(B) The estimated volume or quantity of interceptor waste received,

(C) The date and time the load was received,

(D) The current inedible kitchen grease serial number of the transporting vehicle, and

(E) The signature of a representative of the receiving facility.

(4) The transporter shall retain all manifests and a copy of all receipts as described in section 1190.3 at a publicly accessible location within the state for one year. Any unresolved enforcement action initiated by the Department or any law enforcement agency regarding the transportation of interceptor waste extends this period of retention automatically until the action has been concluded.

(5) Upon demand by any Department employee, any officer of the California Highway Patrol, any peace officer as defined in section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Department, the transporter shall immediately make available

any manifest completed within the past five days. All other manifests may be made available within 24 hours.

(6) The transporter shall submit copies of the manifest to the receiving facility upon request.

(b) Despite the absence of a manifest in violation of subsection (a), an authorized receiving facility may accept delivery of interceptor waste from a transporter. The facility must, however, document the delivery by recording the name of the transporter, the date of delivery, the transporter's serial number, the quantity of interceptor waste received, and any other pertinent information, and report this information to the Department within 24 hours by telephone (916) 654-0504, and facsimile (916) 654-2608.

(c) The Department shall provide transporters with blank manifest forms, Meat and Poultry Inspection Branch Form 79-120 (Est. 3/05), Interceptor Waste Transporter Manifest and Receipt, upon request, at no cost.

NOTE: Authority cited: Sections 407, 19310 and 19313.8, Food and Agricultural Code. Reference: Sections 19303, 19304, 19305, 19306, 19310.5, 19310.7, 19311, 19312, 19315 and 19316, Food and Agricultural Code.

Section 1190.3. Interceptor Waste Removal Receipts.

(a) Transporters must document the total quantity of interceptor waste removed from any grease interceptor or grease trap, and the total quantity of gray water reinserted into a grease interceptor or grease trap, if any, through receipts. Transporters shall use the receipts to determine the total estimated volume of interceptor waste in the vehicle as required by section 1190.2(a)(2).

(b) Upon collection of interceptor waste from a generator, the transporter shall attach a legible receipt for the estimated quantity of interceptor waste to the front of the manifest required by section 1190.2. The transporter shall leave a copy of the receipt with the generator at the time that the grease is collected unless the generator is closed, in which case the receipt may be left at a location on the premises designated by the generator, or mailed to the generator within 24 hours of collection.

(c) All receipts, and any copies of them, shall contain all of the following information:

(1) The name and address of the generator and the signature of the generator or the generator's representative, if available. The signature of the generator may be omitted if the transporter certifies by his or her signature and statement that the business or location was closed at the time of the pickup.

(2) The date of the pickup.

(3) The manifest number.

(4) The estimated volume or quantity of interceptor waste removed.

(5) The estimated volume or quantity of gray water reinserted into the grease interceptor or grease trap, if any.

(6) The name of the authorized facility to which the interceptor waste will be transported.

Authorized facilities are:

(A) Licensed renderers and collection centers, or

(B) Other facilities authorized to receive grease as approved by the Department.

(7) The transporter's name and current inedible kitchen grease serial number found on the official decal issued by the Department for the transport vehicle.

(8) The transporter's legibly printed first and last name and signature, attesting to the accuracy of the information under penalty of perjury.

NOTE: Authority cited: Sections 407, 19310 and 19313.8, Food and Agricultural Code. Reference: Sections 19303, 19304, 19305, 19306, 19310.5, 19310.7, 19311, 19312, 19315 and 19316, Food and Agricultural Code.

Section 1190.4. Violations.

(a) Violation of this Article constitutes a basis for the Department to pursue existing remedies. Pursuing any one remedy does not preclude the Department from pursuing any of the remaining remedies concurrently or at a later date unless otherwise prohibited by law.

(b) Existing remedies include, but are not limited to,

(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;

(2) Civil or administrative penalties; and

(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy.

NOTE: Authority cited: Sections 407, 19310, 19313.8, 19440, 19443, 19444, 19445, 19446 and 19447, Food and Agricultural Code. Reference: Sections 19303, 19304, 19305, 19306, 19310.5, 19310.7, 19311, 19312, 19315 and 19316, Food and Agricultural Code.